

**State of California
Office of Administrative Law**

In re:
Public Employment Relations Board

Regulatory Action:

Title 8, California Code of Regulations

Adopt sections: 32036, 32037, 32610,
32611, 32806, 32808,
32810, 95000, 95010,
95020, 95030, 95040,
95045, 95050, 95070,
95080, 95090, 95100,
95150, 95160, 95170,
95180, 95190, 95200,
95300, 95310, 95320,
95330

Amend sections: 31001, 32020, 32030,
32040, 32050, 32055,
32060, 32075, 32080,
32085, 32090, 32091,
32100, 32105, 32120,
32122, 32130, 32132,
32135, 32136, 32140,
32142, 32145, 32147,
32149, 32150, 32155,
32162, 32164, 32165,
32166, 32168, 32169,
32170, 32175, 32176,
32178, 32180, 32185,
32190, 32200, 32205,
32206, 32207, 32209,
32210, 32212, 32215,
32220, 32230, 32295,
32300, 32305, 32310,
32315, 32320, 32325,
32350, 32360, 32370,
32375, 32380, 32400,
32410, 32450, 32455,
32460, 32465, 32470,
32500, 32602, 32605,
32612, 32615, 32620,
32621, 32625, 32630,
32635, 32640, 32644,
32645, 32647, 32648,
32649, 32650, 32661,
32680, 32690, 32700,
32720, 32721, 32722,
32724, 32726, 32728,

NOTICE OF PRINTING ONLY

Government Code Section 11343.8

OAL File No. 2013-1206-01 P

32730, 32732, 32734,
32735, 32736, 32738,
32739, 32740, 32742,
32744, 32746, 32748,
32750, 32752, 32754,
32761, 32762, 32763,
32770, 32772, 32774,
32776, 32980, 32990,
32992, 32993, 32994,
32995, 32996, 32997

This action is to print these regulations in the California Code of Regulations. They have already been filed with the Secretary of State on December 6, 2013 and became effective on that date. These regulations implement the newly enacted In-Home Supportive Services Employer-Employee Relations Act.

OAL will publish these regulations in the California Code of Regulations.

The emergency regulatory action is effective on December 6, 2013 and will expire on June 5, 2014. The Certificate of Compliance for this action is due not later than June 4, 2014.

Date: 12/19/2013



George C. Shaw
Senior Counsel

For: DEBRA M. CORNEZ
Director

Original: Anita Martinez
Copy: Jonathan Levy

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2013-1206-01P	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2013 DEC -6 AM 11:13

OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

Public Employment Relations Board (PERB)

AGENCY FILE NUMBER (if any)

See Attachment

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER
				PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) In-Home Supportive Services Employer-Employee Relations Act (IHSSERA)	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	See Attachment.
	AMEND
	See Attachment.
TITLE(S)	REPEAL
8	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input checked="" type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Jonathan Levy	TELEPHONE NUMBER (916) 327-8387	FAX NUMBER (Optional) (916) 327-6377	E-MAIL ADDRESS (Optional) jlevy@perb.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 12/6/13
TYPED NAME AND TITLE OF SIGNATORY Anita Martinez, Board Chair	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

DEC 19 2013

Office of Administrative Law

PUBLIC EMPLOYMENT RELATIONS BOARD



Sacramento Regional Office
1031 18th Street
Sacramento, CA 95811-4124
Telephone: (916) 327-8387
Fax: (916) 327-6377

ENDORSED FILED
IN THE OFFICE OF

2013 DEC -6 AM 10:40



December 6, 2013

California Secretary of State
1500 11th Street
Sacramento, CA 95814

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

Subject: Regulations Effective upon Filing with the Secretary of State—Implementation of Senate Bill 1036 (Chapter 45, Statutes of 2012), effective June 27, 2012—the In-Home Supportive Services Employer-Employee Relations Act

Dear California Secretary of State:

The Public Employment Relations Board (PERB or the Board)¹ has adopted emergency regulations implementing the newly enacted In-Home Supportive Services Employer-Employee Relations Act (IHSSEERA), codified at Title 23 of the Government Code section 110000 et seq. Included with this cover letter is emergency regulation text, effective by and through this filing.

Pursuant to Government Code section 110035.5, subdivision (a), the initial adoption of the regulations authorized by IHSSEERA are deemed to address an emergency for purposes of Government Code sections 11346.1 and 11349.6, and PERB is exempted for that purpose from the requirements of Government Code section 11346.1, subdivision (b). Pursuant to Government Code section 110035.5, subdivision (b), the adoption of emergency regulations authorized by IHSSEERA is exempted from Government Code section 11346.1, subdivision (d), and from Government Code section 11349.6. Accordingly, PERB is transmitting the emergency regulations directly to the Secretary of State for filing. Upon filing with the Secretary of State, the emergency regulations shall become effective immediately. Concurrent with this filing, PERB is filing this emergency regulation text with the Office of Administrative Law, designating that filing as "Print only" in order to ensure that the California Code of Regulations is appropriately updated.

If you have any questions or concerns, please do not hesitate to contact the undersigned PERB agent.

Sincerely,

Jonathan Levy
Jonathan Levy, Regional Attorney

¹ PERB is a quasi-judicial administrative agency initially created by the California Legislature for the purpose of promoting harmonious and cooperative labor relations between California's public sector employers and their employees. (See generally, Gov. Code, § 3540 et seq. [operative January 1, 1976].)

Form 400, Section B(2):

Adopt:

32036, 32037, 32610, 32611, 32806, 32808, 32810, 95000, 95010, 95020, 95030, 95040, 95045, 95050, 95070, 95080, 95090, 95100, 95150, 95160, 95170, 95180, 95190, 95200, 95300, 95310, 95320, and 95330.

Amend:

31001, 32020, 32030, 32040, 32050, 32055, 32060, 32075, 32080, 32085, 32090, 32091, 32100, 32105, 32120, 32122, 32130, 32132, 32135, 32136, 32140, 32142, 32145, 32147, 32149, 32150, 32155, 32162, 32164, 32165, 32166, 32168, 32169, 32170, 32175, 32176, 32178, 32180, 32185, 32190, 32200, 32205, 32206, 32207, 32209, 32210, 32212, 32215, 32220, 32230, 32295, 32300, 32305, 32310, 32315, 32320, 32325, 32350, 32360, 32370, 32375, 32380, 32400, 32410, 32450, 32455, 32460, 32465, 32470, 32500, 32602, 32605, 32612, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32645, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 32700, 32720, 32721, 32722, 32724, 32726, 32728, 32730, 32732, 32734, 32735, 32736, 32738, 32739, 32740, 32742, 32744, 32746, 32748, 32750, 32752, 32754, 32761, 32762, 32763, 32770, 32772, 32774, 32776, 32980, 32990, 32992, 32993, 32994, 32995, 32996 and 32997.